

17885. Misbranding of flour. U. S. v. 117 Sacks of Flour. Decree of condemnation and forfeiture entered. Product ordered delivered to charitable institution or destroyed. (F. & D. No. 24593. I. S. No. 026994. S. No. 2946.)

Sample sacks of flour from the herein-described shipment having been found to contain less than the amount declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Louisiana.

On March 6, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 117 sacks of flour, remaining in the original unbroken packages at Lake Charles, La., alleging that the article had been shipped by the American Maid Flour Mills, Houston, Tex., on or about February 8, 1930, and had been transported from the State of Texas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "American Maid Flour * * * American Maid Flour Mills Bleached 48 Pounds."

It was alleged in the libel that the article was misbranded in that the statement "48 Pounds," borne on the label, was false and misleading and deceived and misled the purchaser, since the packages contained less than the weight indicated thereon. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of weight was incorrect.

On December 16, 1930, no appearance having been entered and the allegations of the libel having been sustained by a jury, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal. The decree provided, however, that the flour, if found by the marshal to be in good condition, be delivered to a charitable institution.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17886. Adulteration of canned sardines. U. S. v. 189 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 25167, 25168. I. S. Nos. 19651, 19652. S. No. 3388.)

Samples of canned sardines from the herein-described shipment having been found to contain diseased and decomposed fish, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Texas.

On September 23, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 189 cases of sardines, remaining in the original packages at Dallas, Tex., alleging that the article had been shipped by the R. J. Peacock Canning Co., Lubec, Me., on or about July 5, 1930, and transported from the State of Maine into the State of Texas, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Admiral Brand American Sardines * * * Packed by R. J. Peacock Canning Co., Lubec, Maine." The remainder of the said article was labeled in part: "Sea Lion Brand Maine Sardines * * * Packed by Seacoast Canning Co., Eastport, Me."

It was alleged in the libel that the article was adulterated in that it consisted wholly or partly of a filthy, decomposed, or putrid animal substance; and in that it was the product of a diseased animal, namely, diseased and belly-blown fish.

On January 19, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17887. Adulteration and misbranding of oysters. U. S. v. 53 Gallon Cans of Oysters. Consent decree of condemnation. Product delivered to charitable institution. (F. & D. No. 25363. I. S. No. 7150. S. No. 3645.)

Samples of oysters from the herein-described shipment having been found to contain excessive water and to be short of the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Kentucky.

On or about November 22, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 53 gallon cans of oysters, remaining in the original packages at

Louisville, Ky., consigned about November 10, 1930, alleging that the article had been shipped by H. W. Rockwell (Socwell) & Sons, Maurice River, N. J., and transported from the State of New Jersey into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act as amended. The cans were labeled in part: "Min. Vol. 1 Gal."

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed with and substituted partly for the said article.

Misbranding was alleged for the reason that the statement on the label, "1 Gal.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the quantity stated on the label was not correct.

On or about December 1, 1930, the Booth Fisheries Co., Louisville, Ky., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be delivered to a charitable institution, and that claimant pay costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17888. Adulteration of butter. U. S. v. 18 Tubs of Butter. Product released under bond to be reworked. (F. & D. No. 25281. I. S. No. 6293. S. No. 3535.)

Samples of butter from the herein-described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On October 14, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 tubs of butter at Duluth, Minn., alleging that the article had been shipped by the Drake Cooperative Creamery Co., from Drake, N. Dak., on or about October 6, 1930, and transported from the State of North Dakota into the State of Minnesota, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of Congress of March 4, 1923.

On January 6, 1931, the Land O'Lakes Creameries (Inc.), Duluth, Minn., claimant, having admitted the allegations of the libel and having consented to the condemnation and forfeiture of the property, a decree was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be reworked under the supervision of this department, and should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17889. Adulteration of butter. U. S. v. A-G Creamery Co. Plea of guilty. Fine, \$25. (F. & D. No. 25031. I. S. No. 030638.)

Samples of butter from the herein-described shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Wisconsin.

On August 25, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the A-G Creamery Co., a corporation, Arcadia, Wis., alleging shipment by said company, in violation of the food and drugs act, on or about March 24, 1930, from the State of Wisconsin into the State of Illinois, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as defined and required by the act of Congress of March 4, 1923, which the said article purported to be.

On October 4, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*